

## **Home Instruction Frequently Asked Questions For the 2006-2007 School Year (Effective July 1, 2006)**

### **1. I want to home school my child. If I do this, am I in compliance with the compulsory attendance law in Virginia?**

Yes, you are in compliance with the compulsory attendance law ([§ 22.1-254](#)) if you have met all of the requirements of the Code of Virginia governing home instruction.

### **2. Who is eligible to provide home schooling in Virginia?**

As prescribed in [§ 22.1-254.1](#) of the Va. Code, any parent may home instruct a child in lieu of school attendance if certain requirements are met annually. In Virginia “any parent, guardian, legal custodian, or other person having control or charge of a child” ([§ 22.1-1](#) of the Code of Virginia) may provide home instruction as prescribed by [§ 22.1-254.1](#) of the Va. Code.

A parent may home instruct a child if:

#### **I. The teaching parent holds a high school diploma.**

The parent must submit to the school superintendent documentation that shows the parent has earned a high school diploma or a higher credential (e.g., a certificate, an associate’s degree, a bachelor’s degree, a master’s degree, or a doctorate). A high school equivalency certificate (e.g., a GED) would not meet this requirement. The parent also is required to provide the school division with a description of the curriculum to be followed unless the parent has chosen the correspondence school option. However, the superintendent is not required to evaluate or judge the curriculum. Submission of the curriculum materials is for information purposes only.

#### **II. The teaching parent meets the qualifications for a teacher prescribed by the Board of Education.**

To qualify under this option, the parent must hold a teaching license or a letter of eligibility for licensure in Virginia and submit it to the school superintendent. The parent is required to provide to the school division a description of the curriculum to be followed unless the parent has chosen the correspondence school option. However, the superintendent is not required to evaluate or judge the curriculum. Submission of the latter materials is for information purposes only.

#### **III. The teaching parent enrolls the child or children in a correspondence course approved by the Superintendent of Public Instruction.**

The parent must submit evidence of enrollment; however, no judgment of the materials is required of the superintendent. The Virginia Department of Education (VDOE) periodically publishes a list of schools offering approved academic courses satisfying the requirements of this option. Requests for approval of courses offered by schools not on the list should be submitted to the Division of Policy and Communications at the VDOE. (See <http://www.pen.k12.va.us/VDOE/Parents/index.html> or this department's home instruction handbook for a copy of the list of approved schools.)

IV. The teaching parent "provides a program of study or curriculum, which, in the judgment of the division superintendent, includes the standards of learning objectives adopted by the Board of Education for language arts [English] and mathematics, or provides evidence that the parent is able to provide an adequate education for the child." ([§ 22.1-254.1.A](#))

Parents may satisfy this option by meeting either of its provisions. In reviewing a program of study or curriculum as referenced here, the school superintendent must use judgment to determine whether or not the program of study or curriculum includes the required Standards of Learning objectives. To assess a parent's ability to provide an adequate education, the division superintendent should determine whether the information submitted exhibits a mastery of language by the writer; whether it includes plans for instructional activities; and whether it presents a reasonable scope and sequence of content that shows a broad overview of what the parent plans to teach the child during the school year.

### **3. How do I begin the process, if I am a parent who wants to home school my child?**

A parent who elects to home instruct must: 1) notify the school division superintendent no later than August 15 of the intent to do so for the coming school year; 2) provide a description of the curriculum to be followed for the coming year (unless the parent is using a correspondence course from an approved school as provided for in option III); and 3) provide evidence of having met one of the criteria described in question #2 above for providing home instruction. Parents who move into the school division or begin home instruction after the school year has begun must notify the superintendent of their intent to provide home instruction as soon as practicable and comply with the provisions of the statute within 30 days of this notice. ([§ 22.1-254.1.B](#)) This means that after providing the school division with a notice of intent, such parents can begin home instruction and they will have 30 days from the date notice is provided to the school division to submit the other required information to the school division.

The notice of intent may be in the form of a letter or other written document and must identify the child or children involved. The VDOE has developed a form, the *Notice of Intent to Provide Home Instruction*. A copy of this form is on the department's Web site at <http://www.pen.k12.va.us/VDOE/Parents/index.html>. Parents may use this form to provide notice to the school division. Some school divisions also have model forms and other information about home schooling on their Web sites. (See

<http://www.pen.k12.va.us/VDOE/dbpubs/doedir/> for Virginia's school division Web site locations.)

**4. What must I provide to the school division to show that my child has made academic progress during the school year?**

To comply with [§ 22.1-254.1](#) of the Va. Code, the parent is required to submit, by the following August 1, evidence of the child's academic achievement in one of the following ways:

1. Evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test; or
2. An evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress.

Although there are numerous tests and evaluations that may meet the requirements of this section of the law, the department does not maintain a list of approved tests and evaluations. The VDOE encourages parents to consult with their school division and other resources such as parent home instruction organizations to determine which test or method of evaluation best meets their needs and provides sufficient information.

This consultation is for information purposes only because a parent may use any nationally normed standardized achievement test as evidence of academic achievement. Please note, however, that the evaluation or assessment referenced must be sufficient to allow the school division superintendent to determine that the child is achieving an adequate level of educational growth and progress.

**5. What happens if I don't provide the evidence of academic progress?**

For the purpose of this provision, "not provided" means either that no information is submitted or the child is not making satisfactory academic progress as determined by the results of testing or the results of an evaluation or assessment. If the parent does not provide the required evidence of progress, the superintendent may place the home instruction program on probation for one year. If this happens, the parent will be required to file a remediation plan and evidence of the ability to provide an adequate education for the child. The superintendent is not required to place the program on probation or accept the remediation plan. If the plan and evidence are not accepted or the required evidence is not provided by August 1 following the probationary year, home instruction shall cease and the parent must make other arrangements that comply with the compulsory attendance law; [§ 22.1-254. \(§ 22.1-254.1.C\)](#)

The evaluation requirement does not apply to children under the age of six as of September 30 of the school year. ([§ 22.1-254.1.C](#))

**6. Can I appeal the superintendent's decision to place my home schooling program on probation?**

Yes. Any party aggrieved by a decision of the division superintendent may appeal his or her decision regarding the home instruction program to an independent hearing officer within 30 days of the decision by providing a written request for an appeal to the school division superintendent's office. The school division must contact the Supreme Court of Virginia, secure the name of a hearing officer, and notify the parent of the hearing officer's appointment. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings. ([§ 22.1-254.1.E](#))

**7. Does a child who is home schooled have to meet the immunization requirements?**

Section [§ 22.1-271.4](#) of the Va. Code requires that all students being taught at home or those excused from attendance under the provisions of [§ 22.1-254](#) or [§ 22.1-254.1](#) comply with the immunization requirements of [§ 32.1-46](#) in the same manner and to the same extent as if the child were enrolled in and attending school. School superintendents are not required to collect this information with the *Notice of Intent to Provide Home Instruction* but may do so at their discretion. Parents are required to provide the information upon request unless the parents submit an affidavit stating that immunization conflicts with their religious tenets or practices or the parents provide a doctor's statement indicating that one or more of the required immunizations is detrimental to the child's health, and indicating the specific nature of the medical condition or circumstances that contraindicates immunization.

**8. What is required if I want to seek a religious exemption to school attendance for my child?**

Local school boards are required to excuse from attendance a pupil who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school. The term bona fide religious training or belief "does not include essentially political, sociological, or philosophical views or a merely personal code." ([§ 22.1-254.B.1](#)) Parents interested in seeking a religious exemption should contact their school superintendent's office for information and assistance. The approval for a religious exemption is handled at the local level.

**9. Can I hire a tutor to teach my child at home in lieu of school attendance?**

Tutoring is another option available to parents who want to provide their children's education themselves. Section [22.1-254.A](#) allows parents to have their children taught by a tutor or a teacher who meets the teacher licensure qualifications prescribed by the Board of Education when that individual has been approved as a tutor by the school division superintendent. The tutor must have a valid Virginia teaching license in any area and may be a parent who meets the tutor qualifications. Parents interested in tutoring should contact their school superintendent's office for information and assistance. The approval for a tutor is handled at the local level.

**10. If I home school my child, can I enroll my child in a public school on a part-time basis?**

Section [22.1-253.13:2.N](#) of the Va. Code allows school boards to permit part-time attendance of children receiving home instruction under the provisions of [§ 22.1-254.1](#) of the Va. Code. Home instructed part-time students may be allowed to enroll in classes in English, mathematics, science, history, social science, foreign language, career and technical (vocational) education, health education, physical education, or fine arts. School divisions may count these students in Average Daily Membership (ADM) as long as the total number of part-time children enrolled do not exceed the number provided under the law (0.25 of a student up to a total of 0.5 per student). School boards may permit students receiving home instruction to enroll in any other courses, but school divisions would not count these students in ADM. Parents are advised to check with local school divisions regarding this issue.

**11. If my child is enrolled in public school on a part-time basis, can the child participate in extracurricular activities?**

While participation in certain interscholastic activities such as varsity sports is governed by policies of the Virginia High School League (VHSL), other extracurricular activities are governed by school board policies. Please check with your local school division concerning its policies.

**12. How can I learn more about home schooling in Virginia?**

The following organizations can assist parents with information regarding home instruction:

**HOME EDUCATORS ASSOCIATION OF VIRGINIA**  
2248 G Dabney Road  
Richmond, Virginia 23230  
(804) 278-9200  
(804) 278-9202 (Fax)  
e-mail: [heav33@aol.com](mailto:heav33@aol.com)  
<http://www.heav.org/>

**THE ORGANIZATION OF VIRGINIA HOMESCHOOLERS**  
Post Office Box 5131  
Charlottesville, Virginia 22905  
(866) 513-6173  
e-mail: [info@vahomeschoolers.org](mailto:info@vahomeschoolers.org)  
[www.VaHomeschoolers.org](http://www.VaHomeschoolers.org)

For general questions regarding home instruction, please contact the VDOE Policy Office at 804-225-2092 or by email at [Policy@doe.virginia.gov](mailto:Policy@doe.virginia.gov). Additional information about home instruction is found on the VDOE's Web site at <http://www.pen.k12.va.us/VDOE/Parents/index.html> - [homeinstruction](#).

For questions regarding testing or assessments, please contact your school superintendent's office, or its home instruction designee within your school division. You will find directory information for Virginia's school divisions on the department's Web site at:

[http://pen2.vak12ed.edu/cgi-bin/broker? service=doe\\_prod& program=prodcode.directory/division\\_list.sas](http://pen2.vak12ed.edu/cgi-bin/broker? service=doe_prod& program=prodcode.directory/division_list.sas).

Questions regarding special education should be addressed to the Division of Special Education and Student Services, at (804) 371-7420 or 1-800-422-2083 or you may call your school division's special education director. You will find a list of the special education directors for public schools in Virginia on the department's Web site at <http://www.pen.k12.va.us/VDOE/Instruction/Sped/leadir.pdf>.

Please contact the VDOE by telephone at 804-225-3300 or by email at [Instruction@doe.virginia.gov](mailto:Instruction@doe.virginia.gov) if you have questions about driver education for home schooled students.

The department's mailing address is:

**Virginia Department of Education  
P.O. Box 2120  
Richmond, VA 23218-2120**

The **VDOE's Web site** is located at: <http://www.doe.virginia.gov/>